vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3343 OF 1997

J.Sharma, Cantonment Executive
Officer & Anr. ... Petitioners

V/s.

S.S. Hirurkar,
I/c.Member, Industrial Court, Pune & Anr. ... Respondents

Mr.Presswala i/b M/s.Mulla & Mulla & CBC for Petitioners
Mr.K.S. Bapat for Respondent No.2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 11, 2007**

ORAL JUDGMENT:

. This petition challenges the interim order passed by the Labour Court granting interim relief to the respondent workman. When the application for interim relief was heard, the petitioners had raised a fundamental issue as to whether the provisions of the MRTU & PULP Act are applicable to the Pune Cantonment Board. According to the petitioners, the appropriate government for the Pune Cantonment Board was the Central Government and not the State Government and, therefore, the provisions of the MRTU & PULP Act were not applicable. The Labour Court refused to deal with this issue regarding its jurisdiction and proceeded to consider the interim application. The Labour Court held that there was no urgency for deciding its jurisdiction and the applicability of the Act as a preliminary issue.

The Labour Court referred to certain judgments on the basis of which it concluded that there was no urgency to deal with the preliminary issue raised in respect of jurisdiction.

2. This procedure adopted by the Labour Court is incorrect. The Labour Court while considering the application for interim relief ought to have first addressed the issue whether the provisions of the MRTU & PULP Act under which it was considering the interim relief application, were applicable to the parties before it. A bare perusal of section 2(a)(i) of the Industrial Disputes Act indicates that the Central Government is the appropriate government for a Cantonment Board. The provisions of the MRTU & PULP Act apply to industries to which the provisions of the Bombay Industrial Relations Act are applicable and to any industry as defined under sub section (j) of Section 2 of the Industrial Disputes Act, 1947 and the State Government is the appropriate government in relation to any industrial dispute concerning such an industry. Obviously, therefore, the complaint itself is not maintainable and, therefore, no interim relief should have been granted.

3. Hence, the petition is allowed. Rule made absolute in terms of prayer clause (a). No order as to

costs.